IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 4451 of 2005

Between:

1 L. Nagender, S/o. Late Sharvaiah,
A.P. State Warehousing Corporation, head Office, Nampally, Hyderabad.
2 G. Chandra Sekhar, S/o. G. Gangadhar,
A.P. State Warehousing Corporation, Adilabad.
3 H. Venkaiah, S/o. Rajaiah,
A.P. State Warehousing Corporation, Medak.
4 P. Balasowri, S/o. P. Danial,
A.P. State Warehousing Corporation, Tadepalligudem.
5 G. Mahaboob Basha, S/o. Abdul Khader,
A.P. State Warehousing Corporation, Kurnool.
6 D. Krishna, S/o. D. Chandraiah,
A.P. State Warehousing Corporation, Vangapalli, Nalgonda district.
7 P.V. Ramanaiah, S/o. P. Venkataiah,
A.P. State Warehousing Corporation, Chirala, Prakasam District.
8 M.D. Damodar Rao, S/o. Satyanarayana,
A.P. State Warehousing Corporation, Bhimavaram.
9 U. Venkata Swamy, S/o. U. Kotaiah,
A.P. State Warehousing Corporation, Allagadda, Kurnool District.
10 Ch. B.V.S.R. Murthy, S/o. Bhaskar Rao,
A.P. State Warehousing Corporation, Narsapur.
11 P. Adinarayana, S/o. janardhan,
A.P. State Warehousing Corporation, Rajam.
12 R. Devender Singh, S/o. R. Jagan Mohan Sngh,
A.P. State Warehousing Corporation, Zaheerabad, Medak District.
13 Md. Israrul Haque, S/o. Zahirul Haq,
A.P. State Warehousing Corporation, Regional Office, Tadepalligudem.
14 T. Bhagyananda Rao, S/o. Ananda Rao,
A.P. State Warehousing Corporation, Tuni.
15 V.S. Appa Rao, S/o. Late Venkanna,
A.P. State Warehousing Corporation, Ravulapalem.
16 K. Somaiah, S/o. K. Veeraiah,
A.P. State Warehousing Corporation, Miryalaguda, Nalgonda District.
17 M. Maddaiah, S/o. M. Ch. Sunkanna,
A.P. State Warehousing Corporation, Kurnool.

18 K. Rama Karuna, w/o. Late K.Veeramohan Reddy,
A.P. State Warehousing Corporation, Kadapa.
19 Y. Samuel, S/o. Late Y. Satyanandan,.
A.P. State Warehousing Corporation, Nadikudi, Guntur District.

..... PETITIONERS

AND

1 Government of A.P., rep. by its Prl. Secretary,
Food, Agriculture & Marketing Department, Secretariat, Hdyerabad.
2 A.P. State Warehousing Corporation, rep. by its Managing Director,
Second Floor, Warehousing Sadan, Near Gandhi Bhavan, Nampally, Hydeabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare amendment made to the Appendix III of the Regulation 6 of the Regulations in respect of Junior Assistant in the year 1987 and given effect to in the year 1997 by Lr.13372/Mktg.I (i)/94-11, dt.4-10-1997 making the Intermediate as essential qualification and the same was further amended in the year 2003 by Lr.No.1846/Mktg.I(1) 2003-1, dt. 25.07.2003 by the 1st respondent making the degree as essential qualification for promotion as Junior Assistant as prospective only but cannot be applied to the petitioners by issuing appropriate writ, order or direction more particularly in the nature of Mandamus and consequently direct the 2nd respondent to consider the cases of the petitioners for promotion to the post of Junior Assistant as per the Regulations as on the date of their appointment with effect from the date of those similarly placed persons promoted with all consequential benefits and pass such other order or orders.

Counsel for the Petitioner: MR.K.RAMA SUBBA RAO

Counsel for the Respondents: GP FOR AGRICULTURE

The Court made the following:

THE HON'BLE MR. JUSTICE S. ANANDA REDDY

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W.P. No. 4451 of 2005

O R D E R:

This writ petition is filed by the petitioners, who are 19 in number, praying for the issue of writ of mandamus declaring the amendment made to the Appendix-III of the Regulation-6 of the Regulations in respect of Junior Assistant in the year 1987, and given effect to in the year 1997 by letter dated 04.10.1997 altering the basic qualifications for being appointed as Junior Assistant, as illegal, arbitrary and without jurisdiction, and consequently to direct the respondents to consider the petitioners without reference to the amended provisions.

2. It is stated that all the petitioners were appointed as Guard-cum-Peons in the respondent-Corporation during the period from 1989 to 1997 on different dates. According to the petitioners, the next post of promotion from the post of Guard-cum-Peon is Junior Assistant, and the qualification required is passing of SSC. But, however, the amended provision made a distinction, as per which the employees, who were appointed on or after 29.10.1987 should pass intermediate and in case of employees appointed prior to 29.10.1987, should pass SSC, in addition to five years of experience in the feeder cadre. It is also stated that the amended provision, affecting the rights of the already existing employees, was assailed in W.P.No.26909 of 1999, and this Court passed an order on 3rd August 2001 declaring that the petitioners therein, who are similarly placed with that of the petitioners herein, have a vested right with reference to the promotion, and, therefore, the cut off date fixed by the amended provision is illegal and invalid, and consequently directed the respondents to consider the petitioners therein for promotion to the post of Junior Assistant, holding that the amended provisions are only prospective. Therefore, the petitioners herein are seeking for a similar direction.

3. A counter is filed on behalf of the respondents, though disputing the claims of the petitioners, but, stating that the cases of the petitioners in W.P.No.26909 of 1999 were considered and they were promoted to the post of Junior Assistant in view of the directions of this Court.

4. Heard the learned counsel for the petitioner and the learned Government Pleader, and considered the material on record.

5. When once it was held by this Court that the amended provisions are only prospective, and similarly placed persons have already been promoted, the petitioners herein are also entitled for the same relief.

6. Therefore, the writ petition is disposed of directing the 2nd respondent to consider the cases of the petitioners also treating the amendment as to the qualification prescribed as prospective, on par with the petitioners in W.P.No.26909 of 1999. The cases of the petitioners are directed to be considered as and when the vacancies of Junior Assistants arise for consideration for filing up of the same. No costs.

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S. Ananda Reddy, J.

Dt. 14..06..2005

Note: Issue C.C.

in one week. (bo)

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TO

1 The principal secretary, Government of A.P.,
Food, Agriculture & Marketing Department, Secretariat, Hdyerabad.
2 The Managing Director, A.P. State Warehousing Corporation,
Second Floor, Warehousing Sadan, Near Gandhi Bhavan,
Nampally, Hydeabad.

3. 2 CCs to G.P. for Agriculture, High Court of A.P., Hyderabad.

4. 2 C.D. copies.

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